

REMARKS/ARGUMENTS

This application has been carefully considered in light of the Non-Final Office Action mailed June 22, 2007. As a result, two replacement sheets of drawings are being submitted to overcome the Examiner's objections to the drawings. In addition, the specification and the abstract have been amended to removal numbers and legal phraseology from the abstract and to provide antecedent terms in the specification to support the claims. Please note that the term "capsule" has now been amended to "sealing layer" as proposed by the Examiner. No new matter has been added.

Claims 1-5 have been amended, claims 6-10 canceled without prejudice and new claims 11-20 added. Claim 5 has been rewritten into independent format and is directed to a combination container and closure member. Applicants reaffirm the election of the claims of Group I which now include claims 1-5 and 11-20.

Claims 1-5 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. It is believed that the amendment to the claims submitted herewith overcomes the Examiner's rejects under 35 U.S.C. 112 and, therefore,

reconsideration and withdrawal of this grounds for rejection is respectfully solicited.

Claims 1 and 2 have been rejected under 35 U.S.C. 102(b) and being directly anticipated by the reference to Cohn, US Patent 2,058,214. Claim 5 has been rejected under 35 U.S.C. 103(a) as being obvious over the teachings of Cohn.

Claims 1-3 and 5 have also been rejected under 35 U.S.C. 103(a) as being obvious over Fergusson, US Patent 2,079,932, when considered in light of the teachings of Cohn.

The Examiner has indicated that the subject matter of claim 4 avoids the art of record.

The present invention is directed to closure devices for sealing opening edges of necks of containers and to combinations of containers having closure members for sealing upper opening edges of necks of the containers. The closure members carry sealing discs 121 that include a sealing layer 122 that creates a seal along the opening edges into the neck portions of containers when the closure

members are mounted to the containers. Further, the sealing discs extend outwardly beyond the necks of the containers such that outer portions of the discs are engaged by projections extending from rings associated with the closure members. In this manner, the sealing layers will be automatically urged away from sealing contact with the opening edges of the necks of the containers when the closure members are being removed from engagement with the necks of the containers, that is, as the containers are being opened, having been previously sealed by application of the closure members.

In addition to the foregoing, the at least one projection associated with each ring extends toward the sealing disc and generally parallel with respect to a central axis X-X' of the neck of the container.

The reference to Cohn does not disclose similar structure nor does the reference perform the same function for automatically open a sealing layer from an opening edge of a neck of a container as a closure member or cap is being removed from the neck of the container. In Cohn, the opening edge into the neck is shown in dotted line and is spaced from the seal member 18 of the closure 16. The seal

member actually seats against an upper stiffening flange of an inner threaded element of the closure member such that the seal is spaced from the upper portion of the neck of the container. Further, there are no projections on the inner threaded element that would function to automatically break a seal between a sealing disc and an opening edge of a neck of a container, as is the case with the structure of the present invention. In fact, when the closure member of Cohn is being unthreaded relative to the neck of the container, the engagement of the seal member 18 and the flange 12 of the threaded element remains the same, and thus the flange 12 does not function to break a seal between the seal member and the opening edge into the neck of the container.

In view of the foregoing, reconsideration of the rejections of the claims over Cohn is respectfully requested and allowance of all claim solicited.

The reference to Fergusson has also been considered but is not believed to teach the inventive features of the current invention as claimed. In Fergusson, a closure member for a container is disclosed wherein an inner ring member 14 has an outwardly flared upper edge 17 which

serves as a support and retainer for a liner or sealing pad 13 within the outer cap housing 10. There are no projections from the ring member that extend generally parallel to a central axis of a neck of a container that serve to engage and progressively move a sealing layer and a sealing disc from sealed engagement with an opening edge of a neck of a container. With the structure of Fergusson, the seal 13 does not include a sealing layer as is the case with the structure of the present invention. Thus, any rotational movement of the cap structure after the seal 13 engages the neck of the container automatically changes the characteristics of the contact between the seal and the container because the seal is locked in place to the ring member 14.

With the present invention, the sealing disc and sealing layer are not mounted to the ring and are only engageable by the projections as the closure member is being unscrewed. In some embodiments of the present invention the projections are spaced at a distance "d" from the sealing disc and sealing layer when the closure member is mounted to the neck of a container, see Fig. 4 and the description beginning at line 6 and continuing through line 20 of page 9 of the present application.

With the present invention, the projections are not retaining the sealing disc in fixed position relative thereto, rather, the projections are provide to progressively apply a separating force F_3 to push the sealing layer away from a sealed engagement with neck of the container during a rotation of the closure member (see the paragraph beginning at line 17 of page 6 of the present application.

It is respectfully submitted that if one were to apply a sealing disk having a sealing layer to the closure of Fergusson, the seal layer would not maintain a proper seal as any relative rotation of the closure member after the sealing layer is activated, would destroy the effectiveness of the sealing layer as the seal and the sealing layer would be moved as a unit. There would be no progressive forcing or pushing of the seal as taught by the present invention that will preserve the seal until a closure member is intentional rotated to remove the closure member from a container.

In view of the foregoing, reconsideration and withdrawal of the rejection over the combination of the teachings of Fergusson and Cohn is requested.

Should the Examiner have any questions regarding the allowability of the claims, it is requested that a personal interview be granted to discuss the issues before any action is taken that may be considered as final. This request is believe necessary in light of the new rules initiated by the Patent Office concerning continuation practice.

An earnest effort has been made to place this application in condition for formal allowance, which action is respectfully requested.

Respectfully submitted,

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